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Paper No. ~~28~~ 21

*In re* Application of HEATH, KEVIN R.  
Appl. No.: 09/924,275  
Filed: August 08, 2001  
For: TUBULAR MEDICAL ENDOPROSTHESIS

:  
: **DECISION ON PETITION**  
: **UNDER 37 CFR 1.59**  
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This is a decision on the petition under 37 CFR 1.59(b), filed December 19, 2002, to expunge information from the above identified application.

The petition is granted.

Petitioner requests that a document entitled Proprietary Material, filed December 19, 2002, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The information in question has been determined by the undersigned to not be material to the examination of the instant application.

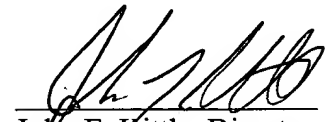
Applicant is required to retain the expunged material(s) for the life of any patent which issues on the above-identified application.

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The expunged material has been removed from the official file.

  
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John E. Kittle, Director  
Groups 3730 and 3760  
Phone: (703) 308-0873

Enclosure: Proprietary Material Not Open to Public